STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of SAVANNAH NOAKES, ASHLEY CORNELL, MARIAH CORNELL and DERRICK CORNELL, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

RICK CORNELL and TINA CORNELL,

Respondents-Appellants.

UNPUBLISHED
March 9, 1999

Nos. 212308;212352
Calhoun Juvenile Court
LC No. 95-000454 NA

Before: Markey, P.J., and Saad and Collins, JJ.

PER CURIAM.

In this consolidated appeal, respondents Rick Cornell ("respondent father") and Tina Cornell ("respondent mother") appeal as of right from an order terminating their parental rights to the minor children pursuant to MCL 712A.19b(3)(c)(i), (g) and (j); MSA 27.3178(598.19b)(3)(c)(i), (g) and (j). We affirm.

Respondents argue that petitioner did not establish statutory grounds for termination of their parental rights by clear and convincing evidence. We review the juvenile court's findings for clear error. MCR 5.974(I); *In re Miller,* 433 Mich 331, 337; 445 NW2d 161 (1989); *In re JS & SM*, 231 Mich App 92, 97; 585 NW2d 326 (1998). A finding is clearly erroneous when, after considering the entire record, the reviewing court is left with a definite and firm conviction that a mistake has been made. *Miller, supra* at 337. Our review of the record in this case reveals that petitioner established by clear and convincing evidence all three of the statutory grounds asserted. With regard to MCL 712A.19b(3)(c)(i), MSA 27.3178(598.19b)(c)(i), we note evidence that respondents had ample opportunity over the thirty-two months that the case service plan was in effect to comply with that plan, accept the services provided, and address the problems identified, but failed to do so. With regard to § (3)(g), we note evidence of substance abuse by both respondents, domestic discord and violence,

and lack of supervision of the children, all indicating an inability to provide proper care or custody for the minor children. Finally, with regard to § (3)(j), we note evidence that the minor children in this case have special needs, that respondents have not demonstrated an ability to meet those needs, and that the children will be harmed if returned to respondents' care.

Once the court finds at least one statutory ground for termination, the court "shall order termination of parental rights . . . unless the court finds that termination of parental rights to the child is clearly not in the child's best interests." MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re JS & SM, supra* at 97-98. The burden of going forward with evidence that termination is clearly not in a child's best interest is on the parent. *Id.* at 98. We review the court's nondiscretionary decision regarding termination in its entirety for clear error. *Id.* In this case, petitioner introduced evidence that termination of respondents' parental rights was in the best interests of the minor children. Respondents failed to put forth evidence from which the juvenile court could conclude that termination was "clearly not" in the children's best interests. Thus, we find no clear error in the trial court's decision to terminate respondents' parental rights.

We find no merit to respondent father's claim that the trial court erred in refusing to allow him to call approximately thirty of forty witnesses he requested to call. Indeed, although respondent father identifies a few of the excluded witnesses he believes he should have been allowed to call, he does not explain how he was prejudiced by his inability to call these witnesses. A party may not merely announce a position and leave it to this Court to discover and rationalize the basis for the claim. *Goolsby v Detroit,* 419 Mich 651, 655, n 1; 358 NW2d 856 (1984); *In re Toler,* 193 Mich App 474, 477; 484 NW2d 672 (1992). Furthermore, under MRE 611, a trial court has broad power to control court proceedings, including the examination of witnesses, to avoid needless consumption of time and protect witnesses from harassment. *Hartland Twp v Kucykowicz,* 189 Mich App 591, 595; 474 NW2d 306 (1991). The record reveals that while respondent father was permitted to call at least eight or nine of his forty listed witnesses, he actually presented only four witnesses, including himself. Of the remaining listed witnesses, several had already testified at previous hearings, where they were subject to cross-examination by respondent father, many others would have merely provided cumulative testimony, and the testimony of others was irrelevant to the termination proceedings. Hence, we find that the trial court did not abuse its discretion in paring respondent father's list of witnesses.

We also reject respondent father's claim that the trial court erred in refusing to order Protective Services worker, Holly Strauch, to reveal the identity of an informant. Respondent father claims that the court's refusal to order Strauch to identify the source of certain information regarding sexual misconduct by one of respondent mother's other children prevented him from being able to cross-examine the source of this information. However, the reporting person's identity was confidential under MCL 722.625; MSA 25.248(5). In any event, it is clear from the record that the source of the information was respondent's neighbor, who testified at the May 8, 1997, adjudicatory hearing and was subject to cross-examination by counsel for respondent father. Therefore, contrary to respondent father's claim, he was not deprived of an opportunity to cross-examine the informant. Furthermore, the incident in question was not central to the trial court's decision to terminate respondent father's parental rights.

Under these circumstances, any error in the trial court's failure to require Strauch to disclose the identity of her source was harmless.

Respondent father also claims that the trial court violated MCL 712A.19(5); MSA 27.3178(598.19)(5)[1] and MCL 712A.19a(4); MSA 27.3178(598.19a)(4), when it failed to specifically state on the record, at the conclusion of the review and permanency planning hearings, whether there was a likelihood of harm to the children if they were returned to their parents' care. However, a review of the record discloses that the trial court did make this required finding during at least one of the hearings in this matter, the permanency planning hearing on February 18, 1998. As for those hearings at which such a finding was not specifically made on the record, because respondent father never objected to the alleged noncompliance with the statutes, we find that the issue is not preserved for appellate review. *People v Rollins*, 207 Mich App 465, 468; 525 NW2d 484 (1994).

Finally, we reject respondent father's claim that the trial court erred in allowing Holly Strauch to testify at the termination hearing regarding the alleged act of sexual abuse perpetrated upon one of the children by one of respondent mother's other children. This Court will not reverse on the basis of an evidentiary error unless the court's ruling affected a party's substantial rights. *In re Caldwell*, 228 Mich App 116, 123; 576 NW2d 724 (1998). Because the challenged evidence is not mentioned as a basis for termination in the court's lengthy findings of fact and conclusions of law, because the other properly admitted evidence is amply sufficient to justify termination of respondents' parental rights, and because the trial judge was already aware of this incident before the alleged hearsay testimony was presented at the termination hearing, we are satisfied that any error in the admission of this evidence was harmless.

Affirmed.

/s/ Jane E. Markey
/s/ Henry William Saad
/s/ Jeffrey G. Collins

[1] This statute has since been revised. The provisions to which respondent father refers are now found at MCL 712A.19(6); MSA 27.3178(598.19)(6).